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and AMERICAN FIRE AND CASUALTY COMPANY

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

HARTFORD FIRE INSURANCE  
COMPANY,

Plaintiff,

vs.

CARSON MADRONA COMPANY, LLC;  
OHIO SECURITY INSURANCE  
COMPANY; AMERICAN FIRE AND  
CASUALTY COMPANY; and DOES 1  
through 10, inclusive,

Defendant.

Case No. 3:23-cv-06259-VC

Judge: Vince Chhabria

**DECLARATION OF DANICA LAM IN  
SUPPORT OF OHIO SECURITY  
INSURANCE COMPANY AND  
AMERICAN FIRE AND CASUALTY  
COMPANY'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

*[Filed Concurrently with Notice of Motion and  
Motion for Partial Summary Judgment; Joint  
Index and Compendium of Evidence in support  
of Motion and Motion for Partial Summary  
Judgment; Declaration of Marianne Cossalter;  
Request for Judicial Notice]*

Date: February 20, 2025

Time: 10:00 a.m.

Place: San Francisco Courthouse  
Courtroom 4 – 17th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Trial Date: TBD

**AND RELATED COUNTERCLAIMS**

**DECLARATION OF DANICA LAM**

I, Danica Lam, declare as follows:

1. I am an attorney at law, duly admitted to practice in all the courts of the State of California, and I am a partner at Musick, Peeler & Garrett LLP, attorneys of record for Defendants and Counterclaimants Ohio Security Insurance Company (“Ohio Security”) and American Fire and Casualty Company (“American Fire”). I have personal knowledge of the facts set forth herein, except where stated on information and belief, and, if called as a witness, I could and would competently testify thereto. I make this declaration in support of Ohio Security and American Fire’s Motion for Partial Summary Judgment.

2. The exhibits referenced in this declaration with documents Bates stamped with prefix “Hartford” or “Ace” and attached as exhibits to the concurrently filed Joint Index and Compendium of Evidence in support of Ohio Security and American Fire’s Motion for Partial Summary Judgment (“Joint Index”) were produced by Hartford Fire Insurance Company (“Hartford”) and Ace Insurance Company (“Ace”) in this litigation.

3. Attached as **Exhibit 1** [ACE 000816 – 000823] to the Joint Index is a true and correct copy of the First Amended Cross-Complaint filed by David Perez and Donna Perez in the action styled *Gary Mountain, et al. v. David Perez, et al.*, Alameda County Superior Court Case No. RG17857926 (“Underlying Lawsuit”) which was produced by Ace in this litigation.

4. Attached as **Exhibit 4** [Hartford 006274-006310] to the Joint Index is a true and correct copy of the lease agreement dated January 17, 2012 between Carson Madrona executed a lease and Warehouse and Delivery Solutions, Inc. dba Ashley Furniture (“WDS”) (“Lease”) of the property located at 6195 Coliseum Way, Oakland, California (“Warehouse”). **Exhibit 4** was produced by Hartford in this litigation.

5. Attached as **Exhibit 5** [Hartford 006157-006161] to the Joint Index is a true and correct copy of the assignment pertaining to the Lease, which Hartford produced in this litigation.

6. Attached as **Exhibit 7** [Hartford 006162 – 006273] to the Joint Index is a true and correct copy of the policy of insurance with policy no. 41 CSE S30502 effective from January 1, 2016 to January 1, 2017 which Hartford issued to Ashley Furniture (the “Hartford Policy”), which

1 Hartford produced in this litigation.

2 7. Attached as **Exhibit 9** [Hartford 005044-005048] to the Joint Index is a true and  
3 correct copy of a reservation of rights letter dated September 20, 2022 from Hartford to Carson  
4 Madrona with regard to the Underlying Lawsuit. Hartford produced **Exhibit 9** in this litigation.

5 8. Attached as **Exhibit 10** [ACE 004920 – 4928] to the Joint Index is true and correct  
6 copy of the Judgment and Special Verdict Form, which Ace produced in this litigation.

7 9. Attached as **Exhibit 12** [ACE 004949-005025] to the Joint Index is a true and correct  
8 copy of the Commercial Umbrella Liability Policy with Policy number G27937500 001 effective  
9 from January 1, 2016 to January 1, 2017 which Ace issued to Ashley Furniture (the “Ace Policy”).  
10 Ace produced **Exhibit 12** in this litigation.

11 10. Attached as **Exhibit 13** to the Joint Index is a true and correct copy of the Notice of  
12 Appeal filed in the Underlying Lawsuit. My office obtained this Notice of Appeal from the Alameda  
13 Superior Court online court docket (<https://eportal.alameda.courts.ca.gov/>) in connection with the  
14 Underlying Lawsuit. See also concurrently filed Request for Judicial Notice.

15 11. Attached as **Exhibit 14** [ACE 000892 – 000911] is a true and correct copy of a trial  
16 brief filed by the Perezes in the Underlying Lawsuit. Ace produced **Exhibit 14** in this litigation.  
17 See also concurrently filed Request for Judicial Notice.

18 12. Attached as **Exhibit 15** is a true and correct copy of a Memorandum of Cost filed by  
19 the Perezes in the Underlying Lawsuit. My office obtained this Memorandum of Cost from the  
20 Alameda Superior Court online court docket (<https://eportal.alameda.courts.ca.gov/>) in connection  
21 with the Underlying Lawsuit. See also concurrently filed Request for Judicial Notice.

22 13. Attached as **Exhibit 16** is a true and correct copy of the Alameda Superior Court’s  
23 order denying Carson Madrona’s Motion to Tax Costs in the Underlying Lawsuit. My office  
24 obtained this November 9, 2023 Order from the Alameda Superior Court online court docket  
25 (<https://eportal.alameda.courts.ca.gov/>) in connection with the Underlying Lawsuit. See also  
26 concurrently filed Request for Judicial Notice.

27 14. Attached as **Exhibit 19** is a true and correct copy of the letter dated August 29, 2024  
28 from my office to Carson Madrona’s counsel.

1 I declare under penalty of perjury under the laws of the United States of America and of the  
2 State of California that the foregoing is true and correct.

3 Executed on this 2<sup>nd</sup> day of January 2025, at Los Angeles, California.

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5  
6 Danica Lam